

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. Bail Appl No. 1639 of 2019

Abdul Khaliq @ Haji .....Applicant

**Versus**

The State.....Respondent

Cr. Bail Appl No.1640 of 2019

Abdul Khaliq @ Haji .....Applicant

**Versus**

The State.....Respondent

**For hearing of Bail Application.**

**17.12.2019.**

Mr. Noor Muhammad, Advocate for Applicant  
Mr. Ali Haider Saleem, DPG a/w PI Muhammad Baqar, P.S.  
Ferozabad

**ORDER**

Applicant is seeking post arrest bail in the cases bearing Crime No.658/2018, U/s 353, 324, 34 PPC r/w section 7 ATA and Crime No.659/2018, U/s 23(i) A Sindh Arms Act, both FIRs registered at Police Station Ferozabad, Karachi, by means of these applications.

2. Applicant along with co-accused Abdul Qayoom and Dawood Khan was arrested in injured condition after an encounter with police of Police Station Ferozabad headed by ASI Muhammad Nizam from Sir Syed Road / Hali Road, Block-II, PECHS, Karachi and from them unlicensed weapons were recovered. From the applicant, one K.K. along with live rounds was recovered. On the basis thereof, the applicant and co-accused were booked in the present case.

3. Learned defence counsel has argued that co-accused Dawood Khan, who was arrested at the spot along with applicant has been granted bail by this court vide order dated 18.02.2019 in Cr. B.A. No.149/2019, and the case of applicant is on similar footing as such he is also entitled to the same relief. He further submits that the applicant is in jail for more than one year, and the trial has not been completed yet; that there is no criminal record of the applicant showing his involvement in the cases of similar nature or otherwise.

4. On the other hand, learned DPG, has opposed grant of bail to the applicant. However, he has conceded that co-accused Dawood Khan, who

was arrested from the spot like applicant and from him an unlicensed pistol was recovered has been granted bail.

5. We have considered submissions of the parties and perused the material available on record. Co-accused with similar role has been granted bail, which has not been challenged by the prosecution. Therefore the applicant would be entitled to the same relief on the rule of consistency. Further, it has not been disputed that applicant does not have criminal record. He is in jail for more than one year and is no more required for further investigation. Accordingly, these bail applications are allowed, the applicant is granted post-arrest bail in both the case subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) in each case and P.R bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail applications are disposed of, the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.